IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.359 OF 2006

Sidhram S. Chambar ....Appellant
V/s.
Laxman P. Desai ....Respondent

Mr.G.S. Godbole for the Appellant.

Mr.A.S. Patil i/b Mr.P.K. Dhakephalkar for the Respondent.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH AUGUST, 2007.

P.C. :

1. No question of law arises in this Second Appeal. There is no dispute regarding the report submitted by the Court Commissioner. The decree sought has been granted only in part. The entire evidence has been considered. It is only thereafter that the learned Judge has come to the conclusion that there was a natural slope down towards the east and that the Plaintiff was entitled to restrain the Defendant from obstructing the flow of water. The same had been enjoyed by the Plaintiff for several years.

2. In the circumstances, the Second Appeal is dismissed.